

Proposed amendments to the Constitution of the State ... Oct. 15, 1849.

House of Representatives. —No. 21. October 15, 1849.

Proposed Amendments to the Constitution of the State.

[Oct. 15.—Passed first reading, and made the special order for first Monday in November, and 150 copies ordered to be printed.]

1 Proposed Amendments to the Constitution of the State of Tennessee, to be acted on by the present 2 General Assembly, in the manner prescribed in the eleventh article and third section thereof, 3 of the Constitution of the State.

1 *First proposed Amendment:* —In section the third of article the sixth of the Constitution, strike 2 out the words: "The General Assembly shall by a joint vote of both Houses, appoint Judges 3 to the several courts of Law and Equity," and insert in their room and stead the following words: 4 The Judges of such Inferior Courts as the Legislature may establish, shall be elected by the 5 qualified voters residing within the bounds of any district or circuit to which such Inferior Judge or 6 Judges, either of Law or Equity, may be assigned, by ballot, in the same manner that members 7 of the General Assembly are elected.

1 The said third section, when amended, to read in the following words and figures:

2 " Sec. 3. The Judges of such inferior courts as the Legislature may establish, shall be elected 3 by the qualified voters residing within the bounds of any district or circuit to which such inferior 4 Judge or Judges, either in Law or Equity, may be assigned, by ballot, in the same manner that 5 members to the General Assembly are elected. Courts may be established to be holden by 6 Justices of the Peace. Judges of the Supreme Court shall be thirty-five years of age, and shall 7 be elected for the term of twelve years.

1 *Second proposed Amendment:* —In section the 5th of the 6th article of the Constitution, strike 2 2 out the words: "The Legislature shall elect Attorneys for the State by a joint vote of both Houses 3 of the General Assembly," and insert in their room and stead the following words: "The General 4 Assembly shall, by joint vote of both Houses, appoint an Attorney for the State; and the Attorney 5 for the State for any circuit or district to which a Judge of an inferior court may be assigned, 6 shall be elected by the qualified voters residing within the bounds of such circuit or district, in 7 the same manner that members of the General Assembly are elected."

1 Said 5th section, when amended, to read in the words and figures following:

2 " Sec. 5. The General Assembly shall, by vote of both Houses, appoint an Attorney for the State; 3
and the Attorney for the State for any circuit or district to which a Judge of an inferior court 4 may be
assigned, shall be elected by the qualified voters within the bounds of such circuit or 5 district, in the
same manner that members of the General Assembly are elected; all which Attorneys 6 shall hold
their office for the term of six years. In all cases where an Attorney for any 7 district fails or refuses
to attend and prosecute according to law, the court shall have power to 8 appoint an Attorney *pro*
tempore.

1 SCHEDULE TO AMENDMENTS.

2 Sec. 1. And that no inconvenience may arise from the proposed amendments, should the same 3
be adopted by the people, it is declared that all Judges of the courts and Attorneys, contemplated
4 in the proposed amendments, shall continue to hold their offices and exercise the duties and
functions 5 thereof, according to the true existing laws and constitution, until the election of their
successors 6 by the people, to be held and made under a law to be passed by the General Assembly
next 7 elected after the ratification of the proposed amendments by the people; which law shall
prescribe 3 8 the times and places of holding said election, and which shall be passed without delay,
and in 9 strict pursuance of said amendments.

1 *Resolved by the General Assembly of the State of Tennessee*, That the fourth section of the tenth
2 article of the Constitution of the State of Tennessee be so altered, that a new county may be 3
formed out of a portion of the territory now comprising the counties of Haywood, Madison, 4 Gibson
and Dyer; and that a new county may be formed out of a portion of the territory, now 5 comprising
the counties of McNairy and Henderson; and also, that a new county be may formed 6 out of that
portion of Obion county, that lies west of Reel-foot Lake, on the Mississippi river; and 7 that a new
county may be formed out of a portion of the territory of White, Warren and 8 Bledsoe, running
the lines as the county lines of Van Buren now run; and that a new county 9 may be formed out
of fractions of the counties of Washington, Sullivan, Hawkins and Greene, 10 by the name of the
county of Powell, as heretofore attempted under the Act of 1847-8, chapter 11 192; which new
counties may consist of less than three hundred and fifty square miles, 12 and the lines of said new
counties may run nearer than twelve miles to the county seats of 13 said old counties; and said old
counties may be reduced below six hundred and twenty-five 14 square miles; and the constitutional
exception respecting the counties of Marion and Bledsoe, 15 as contained in the fourth section
of the tenth article of the Constitution, be repealed, so as to 16 bring said counties of Marion and
Bledsoe within the general provisions of the Constitution 17 respecting counties.

1 *Resolved*, That the Constitution may be so amended that a new county may be formed out 2 of the counties of White, Overton, Jackson and Fentress.